

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
LYNCHBURG DIVISION

IN RE:	)	
	)	
CHRISTIE LYNN GMACH,	)	Bankr. Case No. 09-60257
	)	Chapter 13
Debtor.	)	
_____	)	
	)	
W. CLARKSON MCDOW, JR.,	)	
UNITED STATES TRUSTEE	)	
FOR REGION FOUR,	)	
	)	
Plaintiff,	)	
v.	)	Adversary Proceeding No. _____
	)	
CHRISTIE LYNN GMACH,	)	
	)	
Defendant.	)	

**COMPLAINT OBJECTING TO DISCHARGE**  
**11 U.S.C. § 1328(F)(1)**

W. Clarkson McDow, Jr. (“U.S. Trustee”), United States Trustee for Region Four, by counsel, hereby files this Complaint, pursuant to section 1328(f)(1) of the Bankruptcy Code, objecting to the discharge of the defendant, Christie Lynn Gmach. In support of this Complaint, the U.S. Trustee states as follows:

Jurisdiction and Venue

1. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(J).
2. The Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 157 and 1334.
3. Christie Lynn Gmach (“defendant” or “debtor”) is a resident of Lynchburg (Campbell County), Virginia.

4. On January 28, 2009, the defendant filed a voluntary petition for relief under chapter 13 of the Bankruptcy Code in the instant case.

5. Previously, on June 28, 2005, the defendant, known then as Christie Lynn Sales, filed a petition for relief under chapter 13 of the Bankruptcy Code in the United States Bankruptcy Court for the Western District of Virginia, Lynchburg Division. The case was converted to a case under chapter 7 on January 18, 2008. See case no. 05-62435.

6. On May 6, 2008, the defendant received a chapter 7 discharge in case no. 05-62435, in the United States Bankruptcy Court for the Western District of Virginia, Lynchburg Division.

7. Pursuant to 11 U.S.C. 1328(f)(1), debtors may not receive a discharge under chapter 13 of the Bankruptcy Code if they are granted a chapter 7 discharge in a case filed during the four-year period preceding their Chapter 13 filing.

8. Here, the defendant initiated this chapter 13 proceeding within four years of the date she commenced case no. 05-62435. Accordingly, the defendant is not entitled to receive a discharge in this case.

WHEREFORE, the U.S. Trustee respectfully requests that this Court issue an order denying the defendant's discharge in this case.

Dated: March 16, 2009

W. CLARKSON MCDOW, JR.  
United States Trustee for Region Four

By: /s/ Margaret K. Garber

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